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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,264

10/26/2006

Hikaru Ito

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EXAMINER

JONES, JAMES

ART UNIT

PAPER NUMBER

2873

MAIL DATE

DELIVERY MODE

09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,264

Applicant(s)

ITO ET AL.

Examiner

James C. Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 6-9 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date See Continuation Sheet.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :10/11/2005, 10/02/2006, and 3/06/2007.

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 10/11/2005, 10/02/2006, and 3/06/2007 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

Claims 6-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 6-9 not been further treated on the merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, and 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitano et al (20050052402) hereafter '402.

'402 discloses the limitation therein including the following:

Regarding claims 1 and 10 '402 discloses an electrophoretic display device, comprising: a first substrate and a second substrate which are disposed with a spacing therebetween (fig. 2, par. [0045]-[0048] "a1" and "a2" as the "first electrode"), a partition wall disposed in the spacing (fig. 2, par. [0045] "a11" as the "partition wall"), electrophoretic particles sealed in a closed space, defined by the first and second substrates and the partition wall, in which a distribution state of the electrophoretic particles is changed to effect display (fig. 2, par. [0045]-[0048] "a8" and "a7" as the "electrophoretic particles"), a first electrode disposed at a side surface of the closed space (fig. 2, par. [0045] "a5" and "a6" as the "first electrode"), and a second electrode disposed at a bottom surface of the closed space (fig. 2, par. [0046] "a4" as the "second electrode") wherein the first electrode has an area substantially equal to or larger than an area of the second electrode (fig. 2), and wherein the device further comprises means for successively applying between the first and second electrodes a reset voltage and a writing voltage which have an identical amplitude and have polarities opposite to each other (fig. 1 and 2, par. [0045]-[0046]).

Regarding claim 2 '402 discloses a device according to claim 1, wherein the area of the first electrode is substantially not more than three times the area of the second electrode (fig. 2).

Regarding claim 3 '402 discloses a device according to claim 1 or 2, wherein the first electrode is disposed at opposite two side surfaces of the closed space (fig. 2).

Regarding claim 4 '402 discloses a device according to claim 1 or 2, wherein the

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first electrode is disposed at four side surfaces of the closed space (fig. 1).

Regarding claim 5 '402 discloses a device according to claim 1 or 2, wherein the first electrode is disposed at opposite two side surfaces of the closed space and at other opposite two side surfaces of the closed space, a side surface electrode for canceling an influence of an electric field, on an adjacent pixel, generated by the first and second electrodes is disposed (fig. 1 "a3" as the "side surface electrode").

Regarding claim 11 '402 discloses a device according to claim 10, wherein the reset voltage has a polarity for distributing the electrophoretic particles on the first electrode (fig. 1 and 2, par. [0045]-[0046]).

Conclusion

Ishige (20050206995) and Ikeda (6922275) are being cited herein to show a reference(s) that disclose some similar feature(s) to that of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C. Jones whose telephone number is (571) 270-1278. The examiner can normally be reached on Monday thru Friday, 8 a.m. to 5 p.m. est. time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

James C. Jones 9/19/2007

JCJ



JORDAN SCHWARTZ
PRIMARY EXAMINER